

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

KENNETH R. EVANS, an individual,

Plaintiff.

V₁

SHELLPOINT MORTGAGE
SERVICES aka NEWREZ, LLC, a
Delaware Corporation; MTC
FINANCIAL, dba TRUSTEE CORPS,
a California Corporation; and THE
BANK OF NEW YORK MELLON
FKA THE BANK OF NEW YORK
AS TRUSTEE FOR THE
CERTIFICATEHOLDERS
CWABS, INC., ASSET-BACKED
CERTIFICATES, SERIES 2006-21.

Defendants.

NO: 2:19-CV-0288-TOR

ORDER REMANDING TO THE
CHELAN COUNTY SUPERIOR
COURT

BEFORE THE COURT are Defendants' Motion to Compel Discovery, ECF

No. 28, and Plaintiff's Motion to Remand Action to State Court, ECF No. 29.

19 These matters were submitted for hearing without oral argument. The Court has
20 reviewed the record and files herein, and is fully informed.

1 Plaintiff moves for this case to be remanded back to Chelan County Superior
2 Court, because complete diversity is lacking and all parties have agreed or
3 acquiesced to remand. ECF No. 29. Defendants do not oppose the motion on the
4 merits but oppose the timing and purpose of the motion. ECF No. 30 at 2.
5 Defendants complain that the Motion to Remand was timed to avoid allowing this
6 Court to rule on a longstanding discovery dispute. ECF No. 30. Defendants
7 explain that the failure to rule on the discovery dispute will cause Defendants to re-
8 brief the motion for the state court, which will only increase fees and costs. *Id.*

9 This Court has thoroughly considered Defendants' discovery motion and
10 declines to rule on it. The trial court with jurisdiction, which will ultimately
11 resolve the case, should decide these preliminary discovery disputes.

12 **ACCORDINGLY, IT IS HEREBY ORDERED:**

- 13 1. Defendants' Motion to Compel Discovery, ECF No. 28, is **DENIED** as
14 moot in this Court. The motion may be renewed in State Court.
- 15 2. Plaintiff's Motion to Remand Action to State Court, ECF No. 29, is
16 **GRANTED**. The Bench Trial Scheduling Order, ECF No. 19, and all
17 other deadlines and hearings are **VACATED**.
- 18 3. This case is hereby **REMANDED** to the Chelan County Superior Court
19 for all further proceedings (former Chelan County Superior Court No. 19-
20 2-00644-04).

4. The District Court Executive is hereby directed to enter this Order, furnish copies to counsel, mail a certified copy to the Clerk of the Chelan County Superior Court, and CLOSE the file.

DATED June 15, 2020.



Thomas O. Rice
THOMAS O. RICE
Chief United States District Judge